

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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ORDER REGARDING DETERMINATIONS MADE ON THE RECORD AT THE
NOVEMBER 1, 2021 PRETRIAL CONFERENCE CONCERNING MOTIONS *IN LIMINE*

The Court held a pretrial conference and hearing on motions *in limine* on November 1, 2021 (the “Pretrial Conference”). For the reasons stated on the record at the Pretrial Conference, it is hereby ORDERED that:

1. The *DRA Parties’ Motion in Limine to Exclude Certain FRCP 26(a)(2)(C) Witnesses or Testimony* (Docket Entry No. 18340 in Case No. 17-3283) filed by AmeriNational Community Services, LLC, and Cantor-Katz Collateral Monitor LLC (the “DRA Parties”), is withdrawn as to witnesses Herriman and Shah and is DENIED in all other respects.
2. The *DRA Parties’ Motion in Limine to Exclude Certain Opinions Offered by Debtors’ Expert Witness Marti P. Murray* (Docket Entry No. 18342 in Case No. 17-3283) filed by the DRA Parties, is DENIED in its entirety.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

3. The Court takes the following motions *in limine* filed by the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) on under advisement pending submission of the joint status report described in paragraph four below: *Memorandum of Law in Support of Debtors’ Motion in Limine for Order Excluding Expert Testimony of Lizette Martinez* (Docket Entry No. 18328 in Case No. 17-3283), and the *Memorandum of Law in Support of Debtors’ Motion for Order Excluding Expert Testimony of Douglas J. Brickley* (Docket Entry No. 18331 in Case No. 17-3283).
4. In light of the Court’s *Opinion and Order Denying the DRA Parties’ Motion for Allowance of an Administrative Expense Claim* (Docket Entry No. 18892 in Case No. 17-3283) and its *Opinion and Order Granting Defendants’ Motion to Dismiss the Complaint* (Docket Entry No. 83 in Adversary Proceeding No. 21-68), the Oversight Board and the DRA Parties are directed to meet and confer and file a joint status report by **November 4, 2021, at 12:00 p.m. (Atlantic Standard Time)** indicating whether and to what extent they (a) stipulate to relevant facts, (b) anticipate reduction of the scope of the DRA Parties’ objection to the proposed plan of adjustment, and (c) anticipate a reduction in the evidence to be offered by the DRA Parties at trial, including specification of any exhibits as to which the DRA Parties have requested sealed treatment that will not be offered.
5. This Order resolves Docket Entry Nos. 18342 and 18340 in Case No. 17-3283.

SO ORDERED.

Dated: November 2, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge